

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 /039 W
-----098985 291848Z /43

R 281500Z APR 78

FM AMEMBASSY ROME

TO AMEMBASSY NEW DELHI

FAA MIAMI FL

INFO SECSTATE WASHDC 2397

AMEMBASSY BRUSSELS

FAA WASHDC AFS-200 AFS-800 AIA-130

FAA ATLANTA GA

UNCLAS ROME 7802

E.O. 11652: N/A

TAGS: EAIR

SUBJ: OPERATION IN INDIA OF US REGISTERED AIRCRAFT
UNDER FAR PART 91.

REF: (A) NEW DELHI 6353 (B) NEW DELHI 4925
(C) ROME 6250 NOTAL

BRUSSELS PLSE PASS FAA AEU-200

1. ON APRIL 20 MESSRS.BADR HALWANY AND ALAIN SAINT
PRIX CALLED ON FAA REP ROME RE OPERATION OF B720 N419MA INDIA.
MR.HALWANY SAID HE IS PRESIDENT, JET POWER, MIAMI,AND MR.SAINT
PRIX THEIR REPRESENTATIVE INDIA. HALWANY SAID JET POWER NOW
OWNER OF AIRCRAFT AND PRESENTED COPY SALES AGREEMENT WITH M.C.
ACOSTA. AIRCRAFT TO BE LEASED TO AIR INDIA FOR USE ON THEIR
ROUTES BUT MAINTAINED BY JET POWER IN ACCORDANCE WITH FAR 91.217
PROGRAM APPROVED BY FAA MIAMI. JET POWER TO PROVIDE FLIGHT
CREWS WITH FAA CERTIFICATES. HALWANY WANTED FAA ADVISE
GOI THAT AIRCRAFT COULD VE USED IN COMMERCIAL OPERATIONS UNDER
FAR 91. FAA REP ADVISED HALWANY THAT GOI AND AMEMBASSY NEW
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DELHI HAVEASKED SEVERAL QUESTIONS OF FAA ROME RE OPERATION
THIS AIRCRAFT BUT OUR ANSWER DELAYED DUE CHANGES AIRCRAFT
OWNERSHIP AND LEASE AGREEMENTS.

2. FAA ROME DOES NOT HAVE COPY OF LETTER REFERRED TO IN REF (A)
PAR 4. REQUEST FAA MIAMI FORWARD COPY LETTER TO ROME AND FAA
BRUSSELS AND ADVISE AMEMBASSY NEW DELHI AS TO AUTHENCTICITY.

FAA ROME HAS REQUESTED CONFIRMATION AIRCRAFT OWNERSHIP FROM
FAA OKC.

3. REF (A) PAR 5 STATEMENTS (1) AND (2) CORRECT ; HOWEVER(3)
NOT ENTIRELY CORRECT. GOVERNMENTS MAY AUTHORIZE US REGISTERED
AIRCRAFT OPERATING UNDER FAR 91 TO OPERATE COMMERCIALY WITHIN
THEIR COUNTRY BUT OPERATION TO POINTS OUTSIDE THEIR COUNTRY
MAY DEPEND UPON BILATERAL AGREEMENTS OR POLICIES, REQUIRING
APPROVALS OTHER COUNTRIES TRANSITED.

4. REF (A) PAR 8. TRUE, MANY US REGISTERED AIRCRAFT LEASED
AND OPERATED COMMERCIALY UNDER FAR 91; HOWEVER, WITHIN US
OPERATOR MUST HAVE COMMERCIAL AUTHORITY WOULD BE AS NOTED CAB.
OUTSIDE US, COMMERCIAL AUTHORITY WOULD BE AS NOTED PAR 3 ABOVE.
NOT UNCOMMON FOR FOREIGN AIR CARRIERS LEASE US REGISTERED AIRCRAFT
FOR USE ON THEIR ROUTES AND AIR INDIA PROBABLY DONE THIS IN
PAST. SUCH AIRCRAFT WOULD HAVE BEEN REQUIRED MEET OPERATION
AND MAINTENANCE PROVISIONS OF FAR 91AND USE COMMERCIAL AUTHORITY
AID INDIA.

5. REF (A) PAR 9. NOT SURE WHAT SARKAR'S CONCERNS ARE RE
ANNEX 6 BUT ANNEX DOES CONTAIN NOTE WHICH PROVIDES FOR DELEGATION
FUNCTIONS ANNEX 6 FROM COUNTRY OF REGISTRY TO COUNTRY OF
OPERATOR. THIS ACCOMPLISHED THROUGH AGREEMENTS BETWEEN GOVERNMENTS.
IN ABSENCE SUCH AGREEMENT, COUNTRY OF REGISTRY RETAINS RESPONSIBILITY
FOR ITS AIRCRAFT.
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6. REF (A) PAR 10. YES, THE OWNER/OPERATOR (LEASEE) IS
AUTHORIZED TO CARRY HIS OWN GOODS UNDER FAR 91. HOWEVER,
FROM EXPERIENCE WE KNOW IT OFTEN BECOMES VERY DIFFICULT PIN
DOWN OWNERSHIP OF GOODS. THIS DETERMINATION UP TO LOCAL
GOVERNMENT.GARDNER

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Disposition Approved on Date:
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Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
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